

VINCENT HALL,  
Petitioner,  
  
v.  
  
RALPH M. DIAZ, Warden,  
Respondent.

No. C 13-1426 TEH (PR)  
ORDER OF DISMISSAL

On March 29, 2013, Petitioner Vincent Hall, an inmate at the California Substance Abuse Treatment Facility and State Prison, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same date, Petitioner paid the \$5.00 filing fee. On April 24, 2013, the Court issued an Order Regarding Mixed Petition in which it found that Petitioner had filed a mixed petition containing exhausted and unexhausted claims because Petitioner had indicated in his petition that one of his claims was unexhausted. In the Order, the Court explained to Petitioner that a federal court must dismiss a mixed petition and provided him with an opportunity to amend the petition by withdrawing the unexhausted claim and proceeding only on the exhausted claim, or to dismiss the mixed petition and return to federal court with a new petition once all claims were exhausted. The Court also explained that Petitioner could seek a stay of the petition.

The Court granted Petitioner thirty days from the date of the Order to inform the Court how he wished to proceed with his mixed petition. The Court notified Petitioner that failure to respond

1 within thirty days would result in the dismissal of the petition  
2 without prejudice to filing a new petition containing only exhausted  
3 claims.

4 More than thirty days have past and Petitioner has not notified  
5 the Court how he would like to proceed with his mixed petition nor  
6 has he communicated with the Court in any manner.

7 Therefore, the petition is dismissed without prejudice to  
8 refiling a new petition containing only exhausted claims.

9  
10 IT IS SO ORDERED.

11  
12 DATED 6/11/2013



13 \_\_\_\_\_  
THELTON E. HENDERSON  
United States District Judge

14  
15  
16 G:\PRO-SE\TEH\HC.13\Hall 13-1426 Dis Mixed Pet.wpd  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28